

PUBLIC CHAPTER NO. 1005

HOUSE BILL NO. 4112

By Representatives Hardaway, Odom

Substituted for: Senate Bill No. 4156

By Senators Kyle, Marrero, Jackson

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 6, Part 1, relative to adult protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following language as a new appropriately designated section:

§ 71-6-1__.

(a) It is an offense for a person to report to the department an accusation of abuse, sexual abuse, neglect or exploitation of an adult if, at the time of the report, the person knows or should know such accusation is false.

(b) It is an offense for a person to knowingly cause another to report to the department an accusation of abuse, sexual abuse, neglect or exploitation of an adult if, at the time of such conduct, the person knows or should know such accusation is false.

(c) A violation of this section is a class A misdemeanor.

(d) Notwithstanding the provisions of § 71-6-118 to the contrary:

(1) The department may report to the district attorney or law enforcement authorities the identity of any person whom it reasonably believes has violated the provisions of this section; and

(2) The information such person reported or caused to be reported may be disclosed and utilized in any manner necessary by the department, the district attorney or law enforcement authorities as part of any investigation or prosecution of a violation of this section.

SECTION 2. Tennessee Code Annotated, Section 71-6-107(a)(4), is amended by adding the following language at the end of the subdivision: "If a court determines that appointment of a guardian ad litem is necessary, and if the adult is indigent, the cost for the guardian ad litem shall be borne by the state; otherwise such costs shall be borne by the adult."

SECTION 3. Tennessee Code Annotated, Section 71-6-107(b)(2), is amended by adding the following language at the end of the subdivision: "If a court determines that appointment of a guardian ad litem is necessary, and if the adult is indigent, the cost for the guardian ad litem shall be borne by the state; otherwise such costs shall be borne by the adult."

SECTION 4. Tennessee Code Annotated, Section 71-6-118(b), is amended by deleting all of the language following the language "official duties."

SECTION 5. Tennessee Code Annotated, Section 71-6-118, is amended by inserting the following language as a new subsection (c) and redesignating the subsequent subsection accordingly:

(c)

(1) When necessary to protect adults in a health care facility licensed by any state agency, such information, reports, and investigations may be disclosed to any agency providing licensing or regulation for that facility; however, such information, reports, and investigations shall retain the protection of subsection (b) when disclosed to such agency and may not be disclosed to, or used by, any other person.

(2) Notwithstanding any other provision in subsections (a) and (b), the department may report to law enforcement or public health authorities any information from its investigations or records regarding illness, disease or injuries obtained in the course of its investigation.

SECTION 6. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 7, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 21st day of May 2008



PHIL BREDESEN, GOVERNOR